

ATTACHMENT A

COUNT ONE

(Online Enticement of a Minor to Engage
in Criminal Sexual Conduct)

From in or around August 2018 to in or around October 2018, in Ocean County, in the District of New Jersey, and elsewhere, the defendant,

KEVIN VAN PELT,

using the mail and any facility and means of interstate and foreign commerce, did knowingly persuade, induce, entice, and coerce MINOR VICTIM 1, an individual who had not attained the age of 18 years, to engage in sexual activity for which any person could be charged with a criminal offense, and attempted to do so.

In violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT TWO

(Possession of Child Pornography)

On or about May 1, 2019, in Ocean County, in the District of New Jersey, and elsewhere, the defendant,

KEVIN VAN PELT,

did knowingly possess and attempt to possess material that contained at least three images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and which images were produced using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2.

ATTACHMENT B

I, Kevin P. Matthews, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and in part. Because this Affidavit is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. In or around March 2019, local law enforcement in New Jersey learned that a minor under the age of 16 ("MINOR VICTIM 1") had reported to her school that she was or had recently been in an online relationship with an adult male who had threatened to "rape" her. MINOR VICTIM 1 also reported that she had sent nude photographs to the male, whom she identified as defendant KEVIN VAN PELT ("VAN PELT").

2. At the time, VAN PELT was a reporter for a New Jersey website/publication (the "New Jersey Publication"), where he covered, among other things, high school sports.

3. Law enforcement interviewed MINOR VICTIM 1, who stated, in substance and in part, that she had communicated with VAN PELT over at least two social media platforms, Social Media Platform 1 and Social Media Platform 2, as well as by phone.

4. MINOR VICTIM 1 showed law enforcement screen shots of sexually explicit chats between herself and VAN PELT over Social Media Platform 1. For instance, in one chat, VAN PELT stated, "Show me that [under 16] year old pussy." In another chat over Social Media Platform 1, VAN PELT stated, "I wanna fuck your young pussy" and "I love how young you are." MINOR VICTIM 1 responded, "[I']m half ur age," and VAN PELT replied, "That's so hot."

5. Law enforcement obtained subscriber records for the account VAN PELT used on Social Media Platform 1 ("Van Pelt Account 1") and the account VAN PELT used on Social Media Platform 2 ("Van Pelt Account 2"). These records revealed that both accounts were registered to a Yahoo e-mail account that included VAN PELT's name. Additionally, Van Pelt Account 1 was linked to a telephone number ending in 4247 (the "4247 Number").

6. The records from Social Media Platform 2 also disclosed four IP addresses that were used by Van Pelt Account 2 between in or around August 2018 and in or around March 2019, one associated with Comcast (the

“Comcast IP Address”) and three associated with Verizon Wireless (the “Verizon IP Addresses,” and, together with the Comcast IP Address, the “IP Addresses”).

7. Records obtained from Comcast indicated that the subscriber information for the Comcast IP Address was an individual with the last name Van Pelt, at an address in Lakehurst, New Jersey (the “Lakehurst Address”).

8. Records obtained from Verizon Wireless indicated that the subscriber information for the Verizon IP Addresses was an individual with the last name Van Pelt, at the Lakehurst Address, with the 4247 Number as the listed account phone number.

9. Database searches revealed that the 4247 Number is associated with Kevin VAN PELT at the Lakehurst Address, and that the individual with the last name Van Pelt to whom the IP Addresses were registered is Kevin VAN PELT’s family member.

10. In or around March 2019, local law enforcement obtained Communication Data Warrants (“CDWs,” the equivalent of a search warrant) for Van Pelt Account 1 and Van Pelt Account 2, as well as for the social media accounts of MINOR VICTIM 1 that she reported she had used to communicate with VAN PELT.

11. The results of these CDWs yielded additional chats between MINOR VICTIM 1 and VAN PELT beginning in or around August 2018, in which VAN PELT, in substance and in part, referred repeatedly to MINOR VICTIM 1’s age, stated that he wanted to rape her, and asked her to send him nude photographs and photographs of her “pussy” and “tits,” and that he would “jerk off” to her photographs.

12. For example, on or about August 17, 2018, MINOR VICTIM 1 wrote to VAN PELT, “i am [under 18] and u r 28.” At that time, VAN PELT was 28 years old. On or about August 22, 2018, VAN PELT wrote to MINOR VICTIM 1, “Send me some nudes by the time I wake up tomorrow.” Based on the investigation, I believe that MINOR VICTIM 1 initially told VAN PELT that she was 18 years old, then progressively told him that she was younger and younger, until she truthfully told him her real age.

13. On or about August 24, 2018, MINOR VICTIM 1 told VAN PELT she was under 17 years old. On or about August 25, 2018, VAN PELT told MINOR VICTIM 1, “I want your [under 17] year old pussy,” adding, “Your young age turns me on” and “It’s so hot.” Later that same day, VAN PELT told MINOR VICTIM 1, “I would have fucked you at 9 [years old].”

14. On or about August 26, 2018, VAN PELT and MINOR VICTIM 1 exchanged the following messages, among others:

MINOR VICTIM 1: How can i make it up to you . . .

MINOR VICTIM 1: Pics?

VAN PELT: Yeah get naked

MINOR VICTIM 1: Why

VAN PELT: For the pics

MINOR VICTIM 1: Naked

VAN PELT: You're forgiven

MINOR VICTIM 1: Thank you . . .

MINOR VICTIM 1: Which did u like most

VAN PELT: Full body

15. On or about September 9, 2018, VAN PELT wrote to MINOR VICTIM 1, "I'm going to ask for dirty pictures sometimes while you're at school. You're going to listen to me and do it when I ask."

16. On or about September 19, 2018, VAN PELT told MINOR VICTIM 1, "I need to tell my friend your [sic] [under 16]" and "I really want to punish your [under 16] year old ass." On or about September 20, 2018, VAN PELT asked MINOR VICTIM 1, "So you just turned [under 16] not too long ago right?"

17. During the course of the chats, VAN PELT and MINOR VICTIM 1 discussed a purported friend of VAN PELT's to whom VAN PELT asked MINOR VICTIM 1 to send pictures of herself. Based on the investigation, as described in part below, I believe that there was no friend involved and instead, VAN PELT was pretending to be another individual.

18. On or about September 22, 2018, VAN PELT told MINOR VICTIM 1, "I'm double your age" and "I love it." Later that same day, VAN PELT told MINOR VICTIM 1, "I told my friend you're [under 16]," and "I was always attracted to girls younger than me." VAN PELT also stated, "Most people don't like pedophiles so I didn't want to say I prefer 13-16 lol."

19. On or about September 23, 2018, MINOR VICTIM 1 told VAN PELT she had looked the same since she was 11 years old. VAN PELT responded, "That's really hot. I would fuck you at 11." MINOR VICTIM 1 responded, "i wish i met u when i was 9." VAN PELT responded, "Me too."

20. On or about September 27, 2018, VAN PELT and MINOR VICTIM 1 exchanged the following messages, among others:

VAN PELT: Show me your pussy
MINOR VICTIM 1: What
VAN PELT: Show me your pussy
VAN PELT: It's perfect

21. On or about October 14, 2018, VAN PELT and MINOR VICTIM 1 exchanged the following messages, among others:

VAN PELT: Get naked.
MINOR VICTIM 1: Yes sir..

VAN PELT: Show me full body
MINOR VICTIM 1: Yes sir..
VAN PELT: So hot

22. On or about October 20, 2018, VAN PELT told MINOR VICTIM 1, "I wanna fuck your young pussy" and "I love how young you are." MINOR VICTIM 1 responded, "[I]'m half ur age," and VAN PELT responded, "That's so hot."

23. On or about October 22, 2018, VAN PELT and MINOR VICTIM 1 exchanged the following messages, among others:

VAN PELT: Show me that [under 16] year old pussy
MINOR VICTIM 1: No
MINOR VICTIM 1: My friends next to me
VAN PELT: Go to the bathroom

VAN PELT: You have 10 minutes
MINOR VICTIM 1: Ok
VAN PELT: Still hot baby

VAN PELT: Get naked

24. During the course of their chats, MINOR VICTIM 1 told VAN PELT her real full name, the name of her school, and which grade she was in.

25. On or about January 6, 2019, after having had little contact for approximately two months, VAN PELT and MINOR VICTIM 1 exchanged messages on Social Media Platform 1. Among other messages, MINOR VICTIM 1 asked, "Do u hav any pics of me," to which VAN PELT responded, "Yes." MINOR VICTIM 1 asked, "Do you use them still," and VAN PELT responded, "Yes" and "I thought of you while fucking."

26. In or around late April 2019, local law enforcement obtained a search warrant for the Lakehurst Address (the "Residential Search Warrant").

27. On or about May 1, 2019, law enforcement officers executed the Residential Search Warrant. Among the items seized was a black Apple iPhone (the "iPhone"), which was located on top of the nightstand in VAN PELT's bedroom.

28. VAN PELT was placed under arrest. After being advised of his *Miranda* rights, VAN PELT waived his right to remain silent and gave a videotaped statement to law enforcement officers. VAN PELT stated, in substance and in part, that he originally believed MINOR VICTIM 1 was 18 years old but later learned she was under 16 years old. VAN PELT also confirmed that he had sought and received nude photographs from MINOR VICTIM 1. VAN PELT confirmed that Van Pelt Account 1 and Van Pelt Account 2 belonged to him.

29. In or around May 2019, local law enforcement obtained CDWs for three electronic devices seized from VAN PELT's bedroom, including the iPhone.

30. A forensic review of the iPhone revealed that the iPhone was using Van Pelt Account 1, Van Pelt Account 2, and the 4247 Number.

31. The forensic review of the iPhone also revealed a chat on another social media application ("Social Media Platform 3") between the iPhone (using a username that includes the name "Kevin VAN PELT," "Van Pelt Account 3") and MINOR VICTIM 1 in or around September 2018, in which VAN PELT appeared to be pretending to be his own friend, as described above in paragraphs 16 to 18. During the text exchange, VAN PELT repeatedly asked MINOR VICTIM 1 to send nude images of herself.

32. For instance, on or about September 9, 2018, VAN PELT (using Van Pelt Account 3) and MINOR VICTIM 1 exchanged the following messages over Social Media Platform 3, among others:

VAN PELT: Hey! Hot pictures

MINOR VICTIM 1: Do you need pictures of me?

VAN PELT: You mean naked?

MINOR VICTIM 1: Yes

VAN PELT: Fuck yes

[MINOR VICTIM 1 then sent VAN PELT three messages with no text but with jpg file attachments, indicating that MINOR VICTIM 1 sent three images to VAN PELT.]

VAN PELT: My cock is throbbing for you

VAN PELT: Can I get more?

33. On or about September 23, 2018, over Social Media Platform 3, VAN PELT requested nude photos of MINOR VICTIM 1 again (“Am I getting nudes lol” and “Nudes? I’m hard af” and “I still need my nudes lol”).

34. On or about September 25, 2018, over Social Media Platform 3, VAN PELT acknowledged that he knew VICTIM 1 was under 16 years old.

35. Law enforcement also located child pornography on the iPhone, including the images and videos described below:

- a. (G)Vicky-Cumchoke_01-2004.avi: This video appears to depict a prepubescent Caucasian female lying on her back. She is visible from the stomach to her face and she is not wearing clothing. A Caucasian adult male is standing next to her and his erect penis is in the prepubescent girl’s mouth. The prepubescent girl’s left hand is on the adult male’s penis masturbating him. The adult male puts his right hand over her left hand and pushes it faster. The adult male ejaculates in the girl’s mouth. She coughs and says it was too much. The video then displays the same clip in slow motion. This video is approximately 1 minute and 52 seconds long.
- b. EAA3AF84-34CB-4F92-822A-714990DCBEC4.MP4: This video appears to depict 2 prepubescent females with brown hair lying on a white sheet kissing each other. They are viewable and naked from the chest to their faces. The video is taken from the point of view of an adult male who is standing or kneeling over the girls. Flashes and the sounds of pictures being taken can be heard. The adult male is masturbating with his right hand over the girls. He ejaculates on their face, hair, and body. This video is approximately 42 seconds long.
- c. A37AC8EE-13F8-489F-982C-D961BB2A2243.png: This image appears to be an image from (G)Vicky-Cumchoke_01-2004.avi. A prepubescent Caucasian female is lying on her back, visible and naked from the stomach to her face. Her left hand is on the erect penis of a Caucasian adult male who is standing next to her. His penis is on or next to her mouth.

36. Additionally, the iPhone contained chats on additional social media applications, including Social Media Platform 4 using Van Pelt Account 4. In various chats over Social Media Platform 4, Van Pelt Account 4 stated that he

lived in Lakehurst, that his name was Kevin, that he was 29 years old, that his username on Social Media Platform 1 was Van Pelt Account 1, that his phone number was the 4247 Number, and that he was a reporter at the New Jersey Publication. Based on this information, the fact that these chats were found on the iPhone, and other information obtained over the course of the investigation, there is probable cause to believe that VAN PELT was the user of Van Pelt Account 4.

37. VAN PELT used Social Media Platform 4 to seek and discuss child pornography. For instance, on or about April 18, 2019, VAN PELT told another user ("User 1"), "Try to find people with [another social media platform, "Social Media Platform 5"] on here. It's a safe place to share young porn." VAN PELT told User 1 that his preferred age is "9-15." User 1 asked whether VAN PELT had any videos or images of minors in that age range. VAN PELT responded, "I only have one video but I'll share it." VAN PELT provided his username on Social Media Platform 5, which is the same username as Van Pelt Account 1 has on Social Media Platform 1.

38. On or about April 19, 2019, another user of Social Media Platform 4 ("User 2") wrote, "Have stuff to trade." VAN PELT responded, "I have one video. And video of a [under 16] year old girl I'm currently with. So I'll do one for one if you're cool with it." User 2 responded, "Sure" and "Damn must be nice getting young pussy like that." VAN PELT responded, "It's amazing" and "Did you get my video?"

39. Around the same time, VAN PELT also asked multiple users of Social Media Platform 4 whether they had any "young porn." In one instance, the other user ("User 3") responded, "No, do you?" VAN PELT responded, "I have one video." User 3 responded, "You have [Social Media Platform 5]? Or some way I could see it?" VAN PELT then requested User 3's username on Social Media Platform 5.

40. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the communications, images, and requests described above were transported and transmitted in interstate commerce and were transported and transmitted using any means and facility of interstate and foreign commerce, including by computer and cellular telephone.

41. In addition, based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images and videos described above were produced using materials that were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer.